

STEVEN J. KAREN, ESQ.  
Nevada Bar 004651  
2810 West Charleston Boulevard, Suite 82  
Las Vegas, Nevada 89102  
Telephone: (702) 382-9307  
Facsimile: (702) 382-1836  
Email: [stevenjkaren@gmail.com](mailto:stevenjkaren@gmail.com)  
Attorney for Defendant  
WILLIAM ALVEAR, M.D.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM ALVEAR, M.D.,

Defendant.

2:20-cr-00229-CDS-VC

**~~PROPOSED~~ ORDER GRANTING IN PART  
DEFENDANT WILLIAM ALVEAR M.D.'S  
MOTION FOR ISSUANCE OF PRETRIAL  
SUBPOENAS**

This matter having come on for hearing on the 21<sup>st</sup> day of October before the Honorable Cam Ferenbach, the Defendant present at liberty with Steven J. Karen, Esq., and the Government represented by Peter Levitt, Esq., and the Court, being fully advised in the premises,

IT IS HEREBY ORDERED that Defendant's Motion for Pretrial Subpoenas is hereby granted in part.

IT IS FURTHER ORDERED that each medical provider will produce certified copies of medical records to the Clerk of Court in a sealed envelope.

The Clerk of Court is to directed file certified copies of the medical records under seal and to distribute the certified copies of the medical records to both the Government and the Defense. The Clerk of Court is to then directed to destroy the original medical records.

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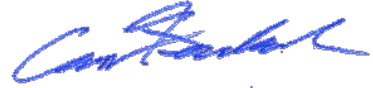
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1 IT IS FURTHER ORDERED that expenses for copying and production of the medical records by  
2 the providers will be paid by Defense.

3 DATED this 31<sup>st</sup> day of October 2022.



4  
5  
6 Cam Ferenbach, U.S. Magistrate Judge

7 Submitted by:

Approved as to Form and Content:

8  
9  
10 /s/ STEVEN J. KAREN, ESQ.  
11 Counsel for William Alvear, M.D.

/s/ PETER S. LEVITT, ESQ.  
Assistant U.S. Attorney  
Counsel for Plaintiff

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 WILLIAM ALVEAR, M.D.,

7 Defendant.

2:20-cr-00229-CDS-VCF

**SUBPOENA TO PRODUCE DOCUMENTS,  
INFORMATION, OR OBJECTS IN A  
CRIMINAL CASE**

8  
9 TO: Jennifer Hudson, Custodian of Medical Records  
Nevada Pain Care  
10 825 North Gibson Road, Suite 420  
Henderson, Nevada 89011  
11 Telephone: (702) 912-4100 x 400

12 **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following  
books, papers, documents, data, or other objects:

13 The following records are requested for the **Patient Adina Tortomasi D'ambrose**: All medical  
14 records, including **X-Ray Reports, MRI Reports, Diagnostic Reports, Lab Testing, & SOAP Notes,**  
15 **Chart Notes, Prescriptions**, for this patient in your possession, for the dates of March 2019 through  
October 2020 (19 months).

16 The certified medical records are to be produced and returned in the attached envelope to be filed  
under seal as follows:

17 Place: Clerk of Court  
18 Room 1334  
United States District Court  
19 300 Las Vegas Boulevard South  
Las Vegas, Nevada 89101

Date and Time: NOVEMBER 28, 2022  
9:00 a.m.

20 Invoices for copying and production will be paid by the Defense. Submit the invoice to:

21 Law Office of Steven J. Karen  
22 Suite 82  
2810 West Charleston Boulevard  
23 Las Vegas, Nevada 89102  
Telephone: (702) 382-9307  
24 Facsimile: (702) 382-1836

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27 /////

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date:

CLERK OF COURT

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

DATE: October 31, 2022

  
\_\_\_\_\_  
CAM FERENBACH  
U.S. MAGISTRATE JUDGE

\_\_\_\_\_  
/s/ Steven J. Karen, Esq.  
STEVEN J. KAREN, ES4Q.  
Nevada Bar 004651  
2810 West Charleston Boulevard, Suite 82  
Las Vegas, NV 89102  
Telephone: (702) 382-9307  
Facsimile: (702) 382-1836  
Email: [stevenjkaren@gmail.com](mailto:stevenjkaren@gmail.com)  
Attorney for Defendant  
WILLIAM ALVEAR, M.D.

Case No. 2:20-cr-00229-CDS-VCF

**AFFIDAVIT OF CUSTODIAN OF RECORDS**

STATE OF NEVADA            )  
  ) SS.  
COUNTY OF CLARK \_\_\_\_\_)

NOW COMES \_\_\_\_\_, who after being first duly sworn, deposes and says:

1. That the affiant is the Custodian of Records of **NEVADA PAIN CARE**, and in such capacity, is the custodian of the billing records of the office or institution.

2. That on the \_\_\_\_ day of \_\_\_\_\_ 2022, the affiant was served with a request in connection with the above-entitled matter, calling for the production of **medical records** pertaining to **Adina Tortomasi D'ambrose**.

3. That the affiant has examined the original of those **medical records** and has made a true and exact copy of them and that the reproduction of them attached hereto is true and complete.

4. That the original of those **medical records** was made at or near the time of the acts, events, conditions, opinions, or diagnosis recited therein by or from information transmitted by a person with knowledge in the course of a regularly conducted activity of the affiant or the office or institution in which the affiant is engaged.

\_\_\_\_\_  
CUSTODIAN OF RECORDS  
NEVADA PAIN CARE

SUBSCRIBED and sworn to before me  
this \_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Notary Public in and for said  
County of Clark and State of Nevada

Case No. 2:20-cr-00229-CDS-VCF

**DECLARATION OF CUSTODIAN OF RECORDS**

STATE OF NEVADA            )  
  ) SS.  
COUNTY OF CLARK \_\_\_\_\_)

NOW COMES \_\_\_\_\_, who after being first duly sworn, deposes and says:

1. That the affiant is the Custodian of Records of **NEVADA PAIN CARE**, and in such capacity, is the custodian of the billing records of the office or institution.

2. That on the \_\_\_\_ day of \_\_\_\_\_ 2022, the affiant was served with a request in connection with the above-entitled matter, calling for the production of **medical records** pertaining to **Adina Tortomasi D'ambrose**.

3. That the affiant has examined the original of those **medical records** and has made a true and exact copy of them and that the reproduction of them attached hereto is true and complete.

4. That the original of those **medical records** was made at or near the time of the acts, events, conditions, opinions, or diagnosis recited therein by or from information transmitted by a person with knowledge in the course of a regularly conducted activity of the affiant or the office or institution in which the affiant is engaged.

\_\_\_\_\_  
CUSTODIAN OF RECORDS  
NEVADA PAIN CARE

Case No. 2:20-cr-00229-CDS-VCF

**PROOF OF SERVICE**

This subpoena for **NEVADA PAIN CARE** was received by me on \_\_\_\_\_. I served the subpoena by delivering a copy to the named person as follows:

on \_\_\_\_\_; or I returned the subpoena un-executed because:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

My fees are \$\_\_\_\_\_ for travel and \$\_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date:

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

Additional information regarding attempted service, etc.:

**Federal Rule of Criminal Procedure 17 ©, (d), (e), and (g) (Effective 12/1/08)****© Producing Documents and Objects.**

**(1) In General.** A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

**(2) Quashing or Modifying the Subpoena.** On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.

**(3) Subpoena for Personal or Confidential Information About a Victim.** After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.

**(d) Service.** A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

**(e) Place of Service.**

**(1) In the United States.** A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.

**(2) In a Foreign Country.** If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.

**(g) Contempt.** The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).



UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM ALVEAR, M.D.,

Defendant.

2:20-cr-00229-CDS-VC

**SUBPOENA TO PRODUCE DOCUMENTS,  
INFORMATION, OR OBJECTS IN A  
CRIMINAL CASE**

TO: Octavia Brooks, and/or Allison Bredestege, Licensing Manager, and/or  
Custodian of Pharmacy Records  
Smith's Pharmacy #315 (3088)  
8525 West Warm Springs Road  
Las Vegas, Nevada 89113  
Telephone: (702) 505-4955

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following  
books, papers, documents, data, or other objects:

The following pharmacy records are requested for the **Patient Adina Tortomasi D'ambrose**: All  
medical records, including **Pharmacy Records and Prescriptions**, for this patient in your possession, for  
the dates of March 2019 through October 2020 (19 months).

The certified medical records are to be produced and returned in the attached envelope to be filed  
under seal as follows:

Place: Clerk of Court  
Room 1334  
United States District Court  
300 Las Vegas Boulevard South  
Las Vegas, Nevada 89101

Date and Time: NOVEMBER 28, 2022  
9:00 a.m.

Invoices for copying and production will be paid by the Defense. Submit the invoice to:

Law Office of Steven J. Karen  
Suite 82  
2810 West Charleston Boulevard  
Las Vegas, Nevada 89102  
Telephone: (702) 382-9307  
Facsimile: (702) 382-1836

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1 Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your  
2 ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of  
3 subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential  
4 consequences of not doing so.

5 (SEAL)

6 Date:

CLERK OF COURT

7  
8 Signature of Clerk or Deputy Clerk

9 DATE:

10 10-31-2022

11   
12 Cam Ferenbach, U.S. Magistrate Judge

13 /s/ Steven J. Karen, Esq.

14 STEVEN J. KAREN, ES4Q.

15 Nevada Bar 004651

16 2810 West Charleston Boulevard, Suite 82

17 Las Vegas, NV 89102

18 Telephone: (702) 382-9307

19 Facsimile: (702) 382-1836

20 Email: [stevenjkaren@gmail.com](mailto:stevenjkaren@gmail.com)

21 Attorney for Defendant

22 WILLIAM ALVEAR, M.D.

Case No. 2:20-cr-00229-CDS-VCF

**AFFIDAVIT OF CUSTODIAN OF RECORDS**

STATE OF NEVADA                    )  
  ) SS.  
COUNTY OF CLARK \_\_\_\_\_)

NOW COMES \_\_\_\_\_, who after being first duly sworn, deposes and says:

1. That the affiant is the Custodian of Records of **SMITH'S PHARMACY #315 (3088)**, and in such capacity, is the custodian of the billing records of the office or institution.

2. That on the \_\_\_\_ day of \_\_\_\_\_ 2022, the affiant was served with a request in connection with the above-entitled matter, calling for the production of **medical records** pertaining to **Adina Tortomasi D'ambrose**.

3. That the affiant has examined the original of those **medical records** and has made a true and exact copy of them and that the reproduction of them attached hereto is true and complete.

4. That the original of those **medical records** was made at or near the time of the acts, events, conditions, opinions, or diagnosis recited therein by or from information transmitted by a person with knowledge in the course of a regularly conducted activity of the affiant or the office or institution in which the affiant is engaged.

\_\_\_\_\_  
CUSTODIAN OF RECORDS  
**SMITH'S PHARMACY #315 (3088)**

SUBSCRIBED and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Notary Public in and for said  
County of Clark and State of Nevada

Case No. 2:20-cr-00229-CDS-VCF

**DECLARATION OF CUSTODIAN OF RECORDS**

STATE OF NEVADA                    )  
  ) SS.  
COUNTY OF CLARK \_\_\_\_\_)

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\_\_\_\_\_  
CUSTODIAN OF RECORDS  
**SMITH'S PHARMACY #315 (3088)**

Case No. 2:20-cr-00229-CDS-VCF

**PROOF OF SERVICE**

This subpoena for **SMITH'S PHARMACY #315 (3088)** was received by me on \_\_\_\_\_. I served the subpoena by delivering a copy to the named person as follows:

on \_\_\_\_\_; or I returned the subpoena un-executed because:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of \$\_\_\_\_\_.

My fees are \$\_\_\_\_\_ for travel and \$\_\_\_\_\_ for services, for a total of \$\_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date:

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

Additional information regarding attempted service, etc.:

**Federal Rule of Criminal Procedure 17 ©, (d), (e), and (g) (Effective 12/1/08)**

**© Producing Documents and Objects.**

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